

II. REMARKS

Applicants gratefully acknowledge that the Examiner has allowed claims 1-6, 8, 11, 12 and 14-16 (Office Action, dated December 15, 2009, at 2, lines 11-12). Applicants also gratefully acknowledge the telephonic interview conducted on February 4, 2010 between Applicants' attorney, Wesley Ashton, and Examiner Mary Lynn F. Theisen (571-272-1210) regarding the above-captioned application. Examiner Theisen clarified the record by explaining that previous claim 11 has been withdrawn, and that the indication of allowability in the Office Action of December 15, 2009 represents an administrative error. Applicants' attorney proposed amending claim 13 to recite, in order to place it in condition for allowance, the following:

“the inorganic component of the powder bone material includes calcium phosphate, and the powder bone material further includes one or more additional components selected from the group consisting of chondroitin sulfate, hyaluronic acid, collagen, pluteoglycan, glycosaminoglycan, deltamane sulfate, heparin sulfate and ketarane sulfate,”

as supported on page 13, lines 19-23, and on page 15, line 19, to page 17, line 27, of Applicants' specification as originally filed. By the present amendment, claim 13 has been amended in accordance with the proposed amendment discussed during the Examiner's Interview of February 4, 2010. Examiner Theisen agreed during the telephonic interview of February 4, 2010 that the proposed amendment would be entered, and that it would place claim 13 in condition for allowance.

Claims 9-11 have been cancelled without prejudice, and Applicants reserve the right to file a divisional application in order to pursue patent protection for the invention corresponding to claims 9-11.

The present amendment adds no new matter to the above captioned application, and raises no new issues.

A. The Rejections

Claim 13 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

Applicants respectfully traverse the Examiner's rejection and request reconsideration of the above-captioned application for the following reasons.

B. Applicants' Arguments

In view of the present amendment, claims 1-6, 8 and 12-16 are in compliance with 35 U.S.C. § 112.

III. CONCLUSION

Claims 1-6, 8 and 12-16 are in compliance with 35 U.S.C. § 112. Furthermore, the Examiner has allowed claims 1-6, 8, 11, 12 and 14-16. Claim 13 depends upon allowed claim 2 and is, therefore, likewise allowable.

For all of the above reasons, claims 1-6, 8 and 12-16 are in condition for allowance and a prompt notice of allowance is earnestly solicited.

Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

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